

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Patent Application No. 09/913,464

REMARKS

Claims 1-6 are all the claims pending in the application, with claims 1, 5 and 6 being in independent form. Claims 1, 3, 5 and 6 are amended.

In the Office Action, the Examiner rejects claim 3 under 35 U.S.C. § 112, second paragraph and rejects claims 1-6 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Foladare et al. (U.S. Patent No. 5,982,774, hereinafter “Foladare”).

With respect to the rejection of claim 3 under 35 U.S.C. § 112, second paragraph for lack of antecedent support, Applicant submits that this ground of rejection is moot in view of the amendment to claim 3. Specifically, claim 3 now recites “said command or information messages”. Therefore, Applicant requests the withdrawal of this ground of rejection.

With respect to the rejection of claims 1-6 under 35 U.S.C. § 103(a) based on Foladare, Applicant traverses this ground of rejection and respectfully submits that the claimed invention would not have been rendered obvious in view of Foladare.

Independent claim 1 is directed to a method of transmitting information to a telephone subscriber terminal unit from a local exchange of a telephone network to which the telephone subscriber terminal unit is connected via at least one analog telephone line. As defined by claim 1, command or information messages are generated and encoded at the local exchange. Additionally, the command or information messages are transmitted from the local exchange to the telephone subscriber terminal unit in addition to sending speech signals and telephone signaling via the analog telephone line (see specification at page 6, line 28 - page 7, line 33).

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Claim 1 further requires receiving the command or information messages at the telephone subscriber terminal unit, and decoding and interpreting the command or information messages which were encoded by the local exchange in information processing means (elements 5D or 7D of Figure; specification at page 5, lines 4-7 and lines 32-35) of the telephone subscriber terminal unit in order to display the command or information messages as text messages at the telephone subscriber terminal unit or output the command or information messages as speech messages at the telephone subscriber terminal unit. (see specification at page 6, line 36 - page 7, line 13; and page 7, line 20 - page 8, line 29).

In contrast, Foladare teaches a system for providing a user with the capability of placing an existing Internet connection on hold in order to accept an incoming telephone call on the same telephone connection. As taught by Foladare, a user terminal is connected to an Internet Access Provider (IAP). (Foladare at col. 2, lines 3-48). Further, a Local Exchange Carrier may receive a telephone call for the user. Upon receiving such a call at the LEC, the LEC determines if the user is on an Internet call (i.e., the user has an active dial-up connection to the IAP). If the user is determined to be on an Internet call, a signal is sent from the LEC to the IAP via a separate signaling channel 107-1. (Foladare at col. 22-30). Upon receipt of the signal at the IAP, the IAP then generates a message which is transmitted over the dial-up connection to the user's computer to indicate the presence of an incoming call. (Foladare at col. 3, lines 13-35). Further, the user may accept the call by clicking on an icon, and a message is transmitted to the IAP, which subsequently sends a signal to the LEC to disconnect the user's current call. (Foladare at col. 3, lines 36-51).

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As required by claim 1, command or information messages are generated and encoded at the local exchange, and the command or information messages are transmitted from the local exchange to a telephone subscriber terminal. Further, the command or information messages are received from the local exchange, where the command or information messages are decoded and interpreted.

Applicant submits that Foladare fails to teach or suggest the limitations of claim 1 because Foladare teaches that the LEC sends a signal via a signaling channel to an Internet Access Provider. Further, Foladare provides no teaching for the claimed encoding of the command or information messages. Indeed, there is no indication in Foladare that any encoding of any message occurs. As taught by Foladare a signal is merely transmitted to an Internet Access Provider over a separate signaling channel.

By contrast, claim 1 requires that the local exchange generates and encodes the command or information messages which are transmitted from the local exchange to the telephone subscriber terminal. Additionally, claim 1 requires that the telephone subscriber terminal decodes and interprets the command or information messages which were encoded at the local exchange. Thus, the telephone subscriber terminal decodes the messages which were encoded by the local exchange, thereby allowing the messages to be exploited directly by the subscriber terminal. (see Specification at page 6, lines 27 - page 7, line 33).

However, Foladare does not teach or suggest transmitting the command or information messages from the local exchange to the telephone subscriber terminal, as claimed. To the

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contrary, Foldare teaches that the LEC sends a signal over a signaling channel (107-1) to an Internet Access Provider. Further, Foladare fails to provide any teaching or suggestion for encoding the command or information messages because the signal in Foladare is transmitted over a separate signaling channel to the Internet Access Provider.

Accordingly, Applicant respectfully submits that Foladare fails to teach or suggest all the claim limitations of independent claim 1, and reconsideration and withdrawal of the rejection is requested. Further, Applicant submits that the above arguments are equally applicable to independent claims 5 and 6. For example, claim 5 requires that local exchange generates and encodes command or information messages which are transmitted from the local exchange to the management logic unit of the telephone subscriber terminal unit. Similarly, claim 6 requires that command or information messages are generated and encoded by the local exchange, wherein said command or information messages are transmitted from the local exchange to the telephone subscriber terminal unit. Therefore, reconsideration and withdrawal of the rejection of independent claims 5 and 6 is requested. In addition, Applicant submits that claims 2-4 are allowable at least by virtue of their dependency from claim 1 and requests the allowance of these claims, as well.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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